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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,143	10/14/2003	Dominique M. Richard	RMR-0003	6222

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EXAMINER

DUNHAM, JASON B

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/686,143	Applicant(s) RICHARD ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 8, 2007 has been entered. Applicant amended claims 1,3,8,13,15, and 17 and claims 19-24 were added. Claims 1-24 are pending.

Claim Objections

Claim 22 is objected to because of the following informalities: Method claim 22 is dependent upon claim 1 (a system). The examiner notes that claim 22 will be treated as depending upon method claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kraisser (US 2002/0147654).

Referring to claim 1. Kraisser discloses a scheduling and routing system for delivering a consumable to customers via commercial delivery vehicles, comprising:

- A delivery forecasting systems that maps certain customers to delivery profiles for similarly situated customers to provide variable statistical parameters for inventory replenishment of the consumable (Kraisser: abstract and paragraphs 60-61); and
- An integrated inventory replenishment, scheduling, and routing system that generates a delivery route for a commercial delivery vehicle based on said statistical parameters and other variable parameters including road routing economics of making several deliveries in sequence before replenishment of the commercial delivery vehicle (Kraisser: paragraph 112).

Referring to claim 2. Kraisser further discloses a system wherein the integrated inventory replenishment, scheduling, and routing system includes an algorithm for optimal route generation and an algorithm for optimal delivery day selection, said optimal route generation and optimal delivery day selection algorithms being integrated so as to allow a global optimization with cost trade offs among penalties for running out of the consumable, the costs of multiple trips to delivery the consumable over the long term for an individual customer, and the daily costs of time and miles on the road for executing a route to deliver the consumable to a number of different customers (Kraisser: paragraphs 107 & 112).

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Referring to claims 3-4. Claims 3-4 are rejected under the same rationale set forth above as Kraisser discloses methods containing similar limitations to those of the system claims 1-2 (Kraisser: abstract).

Referring to claim 5. Kraisser further discloses a method wherein days on which deliveries can be made is variable so as to increase the number of possible route assignments for a given delivery (Kraisser: paragraph 107).

Referring to claim 6. Kraisser further discloses a method wherein the forecasting step includes the step of creating at least one consumption parameter unique to the customer and a variance term (Kraisser: paragraph 60).

Referring to claim 7. Kraisser further discloses a method comprising the step of assigning priorities to customers to dictate the order in which commercial vehicle capacity is exhausted (Kraisser: paragraph 77).

Referring to claims 8-12. Claims 8-12 are rejected under the same rationale set forth above as Kraisser discloses computer readable mediums containing computer executable instructions with similar limitations to those of the system claims 1-2 and method claims 5-7 (Kraisser: paragraph 19).

Referring to claim 13. Claim 13 is rejected under the same rationale set forth above in the rejection of claim 1. Kraisser further discloses a delivery forecasting system for providing periodically scheduled services (Kraisser: paragraph 82). The examiner notes that Kraisser discloses delivering goods to customers who regularly order a specified amount of goods from a distributor.

Referring to claims 14-18. Claims 14-18 are rejected under the same rationale set forth above in the rejection of claims 1-2 and 13.

Referring to claim 19. Kraisser further discloses a system wherein the variable statistical parameters included an expected consumption parameter and an estimate of the variability of the expected consumption parameter (Kraisser: paragraph 77).

Referring to claim 20. Kraisser further discloses a system wherein the other variable parameters include a routing horizon over which customers are routed, availability of the commercial delivery vehicle, and a range of allowable days for delivery (Kraisser: paragraph 107).

Referring to claims 21-24. Claims 14-18 are rejected under the same rationale set forth above in the rejection of claims 19-20.

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arunapuram (US 2002/0019759) discloses a method for determining an optimal, cost minimizing set of product transportation decisions based upon expected transportation costs.

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- Johnson (US 6,567,788) discloses system and method for transporting commodities based upon a set of constraints.
- Borders (US 7,177,825 discloses a system for the ordering, fulfillment, and delivery of consumer products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
4/11/07


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600